

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

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CRAIG DAVIS, as parent and
natural guardian of
ANDREW DAVIS,
Plaintiff,

vs.

CATAMOUNT DEVELOPMENT CORP.,
CATAMOUNT DEVELOPMENT CORP.
d/b/a CATAMOUNT SKI AREA,
Defendants.

* * * * *

CIVIL ACTION
No. 05-30011-MAP

DEFENDANT CATAMOUNT DEVELOPMENT CORP.'S INITIAL DISCLOSURE
PURSUANT TO FED. R. CIV. P. 26(a)(1)

The defendant Catamount Development Corp. ("Catamount") makes the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

I. Rule 26(a)(1)(A) The name and number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information.

Upon information and belief, the following witnesses may have discoverable information relevant to the plaintiff's alleged accident:

- A. William Gilbert
Catamount Ski Area
Hillsdale, NY/S. Egremont, MA
- B. Bud Gardner
P.O. Box 104
Hillsdale, NY 12529
- C. Judy Gardner
P.O. Box 104

Hillsdale, NY 12529

- D. Joe Boyle
1903 Rodoliff Ave.
Bronx, NY 10462
- E. Rob Brouseau
P.O. Box 189
Philmont, NY 12534
- F. Rick Schroepel,
P.O. Box 012
Hollowville, NY 12530
- G. Liz Davis
20 Westwick Street
Lakeville, CT
(860) 435-9904
- H. Craig Davis
20 Westwick Street
Lakeville, CT
(860) 435-9904
- I. Andrew Davis
20 Westwick Street
Lakeville, CT
(860) 435-9904
- J. Judy Gardner
20 Westwick Street
Lakeville, CT
- K. Steven Adams
353 Roxbury Road
Hudson, NY 12534
- L. Ross Fenn
175 Commons Road
Garmantown, NY 12536

The individuals listed above without telephone numbers were employed by the defendant on the date of the accident.

II. Rule 26(a)(1)(B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to disputed facts alleged with particularity in the pleadings.

A. NSAA Incident Report dated January 25, 2004, a copy of which it will produce to the plaintiff.

III. Rule 26(a)(1)(C) A computation of any category of damages claimed by the disclosing party.

Plaintiff has the burden of proving damages. Catamount disputes liability and, to the extent it is necessary and appropriate, also will contest the plaintiff's damages claimed.

IV. Rule 26(a)(1)(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Defendant Catamount refers the plaintiff to the policy's declarations pages, a copy of which it will produce to the plaintiff.

Defendant,
Catamount Development Corp.
By its attorneys,

/s/ William L. Keville, Jr.
William L. Keville, Jr.
BBO# 546525
Margaret M. Carleen
BBO# 655141
MELICK, PORTER & SHEA, LLP
28 State Street
Boston, MA 02109
(617) 523-6200

Dated: April 13, 2005

I, William L. Keville, Jr., hereby certify that on this day, I forwarded notice of the foregoing document(s) by mailing a copy thereof, postage prepaid to the following:

Charles Ferris, Esquire
500 Main Street
Great Barrington, MA 01230

/s/ William L. Keville, Jr.

William L. Keville, Jr.

Date: April 13, 2005